MR. TALMADGE MOORE: I'm asking a question.

MS. HARRIS: It is not a point of order, Delegate Talmadge Moore.

MR. TALMADGE MOORE: Well, my point of order is: Did the committee take under consideration the uniqueness of the individual?

MS. HARRIS: That's not a point of order.

MR. TALMADGE MOORE: Before I vote, I want to know this -- before I vote, one way or the other. And I think it's a point of order.

MS. HARRIS: It might be a point of information, but it's not a point of order.

MR. TALMADGE MOORE: Well, point of information then, whatever you want to call it.

MS. HARRIS: Can anybody on the committee tell Talmadge Moore?

(No response.)

MS. HARRIS: May I have a call for the question? The question has been called.

MR. BRIAN MOORE: Point of order. This is an extremely important matter and I'm concerned that debate on this has been very limited. I think we should really have much more discussion. This is the third --

MS. HARRIS: Delegate Brian Moore, we have had 11 people to speak on this one amendment.

MR. BRIAN MOORE: No. There have been different issues on this --

MS. HARRIS: The issues remain the same. There has been a call for the question.

All those in favor of cutting off debate, let it be known by aye.

(A chorus of "ayes".)

MS. HARRIS: Opposed.

(A chorus of "nays".)

MS. HARRIS: So carried. The motion is by Delegate Nihikian to delete Section 2I. All in favor of deleting Section 2I, let it be known by raising your hand.

(Show of hands.)

MR. COOPER: Nine.

MS. HARRIS: Opposed.

(Show of hands.)

MR. COOPER: Twenty.

MS. HARRIS: Abstentions.

(Show of hands.)

MS. HARRIS: The motion loses. We are back to the original Schrag motion.

MR. KAMENY: Madame Chair, I would like to move a substitute motion for the Schrag motion.

MS. HARRIS: Wait just a minute please. I'm sorry. The Barnes amendment which is delete "may" and insert "shall".

All in favor of the Barnes -- I'm sorry, the motion before us -- we have discussed it so much, I guess I thought you had discussed it. The Barnes amendment to the Schrag substitute motion is to delete "may" and insert in its place "shall". Discussion on the amendment?

(No response.)

MS. HARRIS: If there are no hands for discussion, Delegate Barnes.

MR. BARNES: I move the question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The question has been called. All in favor of the Barnes amendment, please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: Opposed.

(A chorus of "nays".)

MS. HARRIS: Call for a division; that was very close.

All in favor of the Barnes amendment to delete "may"

and insert "shall", raise your hands.

(Show of hands.)

MR. COOPER: Twenty-two.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Three.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: One.

MS. HARRIS: The Barnes amendment passes. We are back to the Schrag substitute motion. Delegate Kameny.

MR. KAMENY: I move to amend the Schrag substitute motion by deleting the word "equivalent alternatives" and when you allow me to do so, I would like to speak to that -- "including equivalent alternatives", those three words.

MS. HARRIS: To delete "including equivalent alternatives"?

MR. KAMENY: Yes.

(Whereupon, the motion was seconded.)

MR. KAMENY: Thank you. May I speak to my motion?

MS. HARRIS: Yes. Do you want to speak last too?

MR. KAMENY: If I may. Depending on how the debate goes, I may then waive that request when the time comes.

(Simultaneous discussion.)

MS. HARRIS: I asked that because I wouldn't like him to speak twice. So I asked him if he wanted to speak first or last.

MR. KAMENY: You didn't put it that way. As long as I may be ensured of speaking --

MS. HARRIS: Oh, yes, you will.

Delegate Jones.

MS. JONES: Yes, at first I said I wasn't going to speak, but I guess I have come out of an alternative education here in the city and I come out of an alternative education because I came out of an all black high school by design and that was Paul Lawrence Dunbar. That high school was unique in this country, not just in the city; it was unique in this country. The teaching staff there was second to none and the reason that you can prove that is because when we were integrated that teaching staff was broken and sent to the better white high school, so they thought, but they did get a better class of teachers than they had.

I am opposed to deleting the alternatives and the reason I'm opposed to it is because we have alternatives now and I don't understand why we want to get more restrictive than what we have now. The instructors at some of the high schools

are not teachers in that sense of the word. There is an electrician who teaches at Phelps who is second to none in the city. He is not a teacher; he is an instructor. And he does an admirable job for any child that goes through there. So I am just opposed to that amendment.

The other thing that's bothering me here is this: We know that there are schools cropping up here and there, you know, and that are teaching children nothing and some of the children are going to get into it. And I sort of take exceptions to -- because it's not that I have the money; it's just that I sacrificed the money and my children go to -- the last three I took out of public school because I got tired of fighting. And the reason that I got tired of the fighting is because of my age and not because of anything else.

But I'm saying that there ought to be a standard; there must be a standard for everybody, but there also have to be some alternatives, because there are some of our children who need alternatives. And I'm not just saying this for Juliana because this is the person that at this point that I'm fighting for; the rest of my children have gone to college and wherever.

Juliana can go to any school in the city and excel but that's Juliana; that's peculiar to her. But there are

some other children, children in my family, neighbors' children who can go and who can achieve but not excel, and they have to have the alternatives. The guy that comes to fix the faucet in my house doesn't have a high school diploma but he had some alternatives. And those alternatives he had made him a plumber and I bet you he has more money than most of us in here.

So I am opposed to striking that. Now I still haven't made up my mind. I'm sort of thinking I'm going to vote for it and sort of thinking I'm not. I haven't made up my mind yet and of course I do make split-second decisions, some of them good, some of them bad. But I am saying I am opposed to the Kameny amendment because we must have those alternatives.

MS. HARRIS: Delegate Feely.

MS. FEELY: It is not intended at all for the language to limit alternatives. I think that's unfortunate that there was a need to put in that kind of language, because what you have done is set up in people's minds in one thing when the other thing is the case. Let's look at it without saying "including equivalent alternatives" and what do you have? "The State shall establish minimum standards for curriculum, instructors, instruction and student achievement to be met by all elementary and secondary schools in the State."

It does not deny alternatives. And I think it is unfortunate. I think there is some other kind of impetus that has caused that language to be added there and I know that I do not know what it is. I want to say that.

The other thing that I wanted to say is I was disturbed by the statement by Delegate Mason when she thought that we were talking about trying to deny education, the best possible education to all the students. I'm a teacher, a public schoolteacher and I have been teaching for 24 years. It would be ludicrous for me to be on the Education Committee and to come up with something that I think would hurt education.

So I think what you need to do is to look carefully at that language. You need to ask some other kinds of questions that haven't been asked. What does that other language mean "including equivalent alternatives"? What are you really about when you put that there? I'm not so sure. And I think maybe the thing you need to deal with is the fact that we want the best possible education for all people.

MS. HARRIS: Delegate Lockridge.

MS. LOCKRIDGE: I want you to know what was the intent of this committee. This committee was concerned about all children in this city, regardless of what school they went to, be it public or private. We wanted to make sure that

whatever school they came out of that they were equipped and that is why we went about the business of and we thought something that you would accept, because you too want what is best for all of the children in this city regardless of where they go, public or private, that we would have a curriculum structured in such a way that regardless of what school they attended, they would be ready to deal out here in this society.

We were not saying that that eliminated equivalent alternatives, because we are hoping as Delegate Robinson said that inherent in schools is that you will have alternatives for those who cannot meet the standard curriculum. So please don't think that it was our intention to do away with alternatives.

MS. HARRIS: Delegate Freeman.

MS. FREEMAN: Madame Chair, is a perfecting amendment in order for this? I would just like to add "the State Board of Education" because that's really what we are talking about.

MR. LOVE: Delegate Schrag, you have the state up there. The legislature is supposed to be doing this. Did you mean the State Board of Education or did you mean the State Legislature?

MR. SCHRAG: I used language that Delegate Kameny and I worked out on the telephone this afternoon before Delegate Feely instructed me about -- when we did Section 2A. We put in

Board of Education. That's why the language is the way it is. But we can make it Board of Education; that's fine with me.

MS. HARRIS: Delegate Thomas.

MR. THOMAS: Madame Chair, I don't understand when he says Delegate Kameny and he worked that out today when Delegate Kameny seemed to me he is on the other side of the fence now. I don't understand that.

MS. HARRIS: Well, I think that answers itself. Let's move right along. Delegate Coates.

MR. COATES: Thank you. I'm glad I didn't talk with Dr. Kameny this afternoon. There is nothing wrong with standards. The problem is who determines the standards. There is nothing wrong with standardization. The problem is that the persons who have devised standards -- case in point, tests -- have resulted in a bias that does violence to the learning readiness of street-wise kids from certain sectors of this city whose native intelligence and endowment is comparable to and in some cases exceeding those of others but who come to a school system which is hard bound and in the habit of standards and turned off.

I don't question the sincerity of anybody on this committee nor of his experience. It does not hurt us to include

equivalent alternatives. In fact, it helps because anyone reading that constitution will know that the framers of the constitution of this state with respect to education do not want to replicate an educational system which is the slowest institution of change in society. It changes more slowly than well, yes, the church.

Along comes a novel idea and the first thing an educator does is get some extermination fluid and that's killing. What this does is balances attendance in educational agencies to standardize so that the great proliferation and wide variety of learning potential and native endowment can be caught up and nurtured by the school system and brought to its fullest flower. I urge that we keep it in.

MS. HARRIS: May I have a motion to call for the question?

Dr. Kameny, do you want to speak last? I'm sorry.

MR. KAMENY: All that this does, if my amendment is adopted, would be putting the word "minimum" in in the middle of line 9. It sets basically in effect -- it is to be required that all schools, not just the public schools, teach reading, writing and arithmetic, that's all. It says minimum standards; above those minimum the schools are free to go anywhere that they want, with any kind of diversity they want

and more power to them, with any kind of equivalent alternatives they want, as long as the basic minimum are taught. That is all that that says, but with equivalent alternatives it does not say that anymore.

And that is what I am trying to achieve, what our committee is trying to achieve to ensure that the basic minimum are taught in all schools, public and private, nothing more than that and that language with my amendment will do just that for the original language with the word "minimum" in it. It will do just that and no more and will deprive no one of choice, no one of diversity, no one of opportunities, especially to highest education. It will deprive nothing beyond assuring the basic reading, writing and arithmetic.

MS. HARRIS: Thank you. May I entertain a motion to call for the question.

VOICE: I so move, Madame Chair.

MS. HARRIS: The question has been called for. All those in favor of cutting off debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All those opposed.

(A chorus of "nays".)

MS. HARRIS: Before us is the Kameny amendment.

VOICE: Division.

MS. HARRIS: The Kameny amendment deletes the phrase "including equivalent alternatives". That is what is before us.

VOICE: Point of order, Madame Chair.

MS. HARRIS: That is being awfully rude. Now right now we are voting on the Kameny amendment which is to delete the phrase "including equivalent alternatives". We have discussed it in detail and now we are ready for the vote.

MR. LOVE: Madame Chair, in order to close debate requires two-thirds. I can't believe that you heard two-thirds of this body to close debate. And we have a division asked for, a raise of hands please.

MS. HARRIS: I didn't have any question as to whether it was carried or not from up here. Now maybe you have a problem out there but I did not up here. If I had, as I did before, I would have asked for a show of hands. And I didn't ask for a show because it was very clear to me. And so we shall --

(Simultaneous discussion.)

MS. HARRIS: Right now we are voting on the Kameny amendment. All in favor of deleting that phrase, let it be known by showing your hands.

(Show of hands.)

MR. COOPER: Seven.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Seventeen.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Four.

MS. HARRIS: So the amendment loses. So "including equivalent alternatives" remains. Now we are back to Schrag's substitute as amended with "shall", which is before you on the board. We have fully discussed that the entire evening, in fact almost an hour's worth of time. I don't think there is any question that we ought to be voting.

The question has been called to vote on what is before you and we have had 15 people talking on it. We will never get anything done at the rate you are going. All in favor of the Schrag --

MR. LOVE: Madame Chair, you need a two-thirds' vote to close debate.

MS. HARRIS: We are voting on the Schrag motion as amended on the board.

(Simultaneous discussion.)

MR. COATES: Point of order, Madame Chair. If they want to question the ruling of the chair, let them appeal the ruling; preside.

MS. HARRIS: I am, sir; thank you. Delegate Nixon has called for the question.

(Whereupon, the motion was seconded.)

MS. HARRIS: And it has been seconded. All in favor of closing debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: Those opposed.

(A chorus of "nays".)

MS. HARRIS: The ayes have it. Right now we are voting on the Schrag motion as amended. All in favor of the Schrag motion on the board, as amended, please raise your hands.

(Show of hands.)

MR. COOPER: Fourteen.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Fourteen.

MS. HARRIS: Abstentions.

(Show of hands.)

MS. HARRIS: None.

MR. SCHRAG: Roll call vote.

MS. HARRIS: Delegate Schrag, because the vote is so close, there is no reason paying $35.00 or $50.00 for a roll call vote. It is just uncalled for. There was no question in the counting.

Point of information, Delegate Robinson.

MR. ROBINSON: My point of information is I would like to know did the chair vote in that recent tally? Was the vote of the chair recorded -- counted?

MS. HARRIS: Yes. So the motion loses.

We are back to --

MR. BRIAN MOORE: There was a request for a roll call vote, Madame Chair.

MR. SCHRAG: Point of order.

MS. HARRIS: We are back --

MR. SCHRAG/MR. BRIAN MOORE: Point of order.

MS. HARRIS: I am talking. We are back to 2I.

MR. SCHRAG: Point of order; point of order; point of order, point of order, point of order, Madame Chair; point of order.

(Simultaneous discussion.)

MR. BRIAN MOORE: There is a point of order, Madame Chair, and you did not recognize it in the proper manner.

MS. HARRIS: I do not have to recognize it.

MR. BRIAN MOORE: You do too have to recognize it. A point of order has to be recognized.

MR. SCHRAG: Point of order.

MR. BRIAN MOORE: You're violating every rule in the book in this convention.

MR. SCHRAG: Point of order, Madame Chair.

MS. LOCKRIDGE: I refuse to go through this, through this abuse.

MR. LONG: Please preside in a correct manner and recognize the point of order and let's get on with it.

MS. HARRIS: Delegate Kameny.

MR. KAMENY: It is my understanding that on the floor now is Section I in its original format?

MS. HARRIS: That's right.

MR. KAMENY: Very well. I would like to move an amendment to insert the word "minimum" on line 9 --

MR. SCHRAG: Point of order; point of order.

MR. KAMENY: -- between "same" and "standards".

MR. SCHRAG: Point of order.

MS. HARRIS: Is there a second to that?

(Whereupon, the motion was seconded.)

MR. SCHRAG: Point of order; point of order.

MS. HARRIS: Delegate Freeman.

MS. FREEMAN: I would like to make an amendment to the Kameny motion so that it would read in the end of the sentence "the State Board of Education may establish equivalent alternatives".

(Whereupon, the motion was seconded.)

(Simultaneous discussion.)

MS. HARRIS: May I have that please before we go any further? Delegate Freeman, would you repeat that?

MS. FREEMAN: Yes. I move on Section I as written in the article, I would add at the end on line 12 "the State Board of Education may establish equivalent alternatives". So it will read as the committee has written it but it is mandatory language to establish equivalent alternatives.

MS. HARRIS: Is there a second to that?

(Whereupon, the motion was seconded again.)

MS. HARRIS: Okay, that has been seconded. It has been moved and seconded that we add the term "may establish equivalent alternatives". Should that go at the end, Delegate Freeman?

MS. FREEMAN: Yes. I think that's the best way to --

MS. HARRIS: That's a substitute?

MS. FREEMAN: Delegate Kameny, as I understand it,

moved Section I?

MR. KAMENY: No, I moved to insert the word "minimum" between "same" and "standards" on line 9, that and that alone.

MS. HARRIS: That's a substitute.

MS. FREEMAN: Well, isn't the motion on the floor, the adoption of Section I.

MR. KAMENY: I moved the amendment. You can't move a new amendment until the other one has been taken care of.

MS. HARRIS: Okay. Yours is an amendment to the section and so is his. So we must take his first.

MS. FREEMAN: Thank you, Madame Chair.

MS. HARRIS: Delegate Jerry Moore.

MR. JERRY MOORE: Madame Chair, I was making a valid effort to keep up with what is going on, but I'm afraid that the confusion, the noise was between myself and the person making the motion.

MS. HARRIS: Would you please -- he cannot hear.

MR. JERRY MOORE: I was not able to hear what the motion was that was made. So I'm not in a position to vote because I don't know what it was.

MS. HARRIS: Yes. Let me go back and repeat. The motion is -- you know, before we can get anything done in this convention, we must respect each other. And we have to

start doing that in order to be heard.

Delegate Jerry Moore asked a point of information and before I recognize you, Delegate Jordan, let me clear that up. The motion on the floor is by Delegate Kameny and that motion is to insert "minimum" after the word "same" on line 9. It would read "same minimum standards".

Delegate Freeman's was another amendment and we will get to that once we dispose of this one.

Is there a discussion on the Kameny amendment? Delegate Jordan.

MR. JORDAN: Madame Chair, I just want to raise a question. I know it's necessary for us to move forward expeditiously, but there are a couple of procedural issues that have occurred this evening that I think need to be resolved, Madame Chair, and I would just beg of you to consider those procedural questions that have come before us this evening.

There was a point of order that was raised; there was a call to ask for the division of the house. I don't understand the straits we find ourselves in with respect to money, but those of us who voted for that particular motion felt very strong about it. I think too that now we have been attempting to try to complete our task by the 29th is going to be very difficult for us to do it, Madame Chair. And I was

rising to request the Chair -- but it's too late now -- have considered the point of orders that were being raised by persons because I think if --

(Simultaneous discussion.)

MR. JORDAN: You can't forget it because it is going to continue to rise over and over again.

MS. HARRIS: Delegate Jordan, I understand what you are saying.

MR. JORDAN: I'm saying I'm rising out of concern which goes beyond just saying we must expedite the process. I'm saying there is going to be some question raised about the validity of some actions that will be taken and I'm saying that consideration ought to be at least taken under advisement by the Chair. And I don't know how else to say it, Madame Chair.

MS. HARRIS: Thank you, Delegate Jordan. One of the problems is that we have five people on the floor screaming and yelling and out of disrespect for the Chair, and Roberts Rules of Order strictly says that if there are five people on the floor, you don't have to recognize any of them or one out of the five. Five people should not be on the floor, and disrespectful on top of that. And I think we have to respect each other.

And the way we have been trying to move the process, I grant you that there was a call for a division. But Delegate Cooper did count the votes and they were fourteen/fourteen and that's the way they are, and there was no mistake in his counting. Okay?

Delegate Jerry Moore and Delegate Brian Moore and Delegate Graham.

MR. JERRY MOORE: I seldom rise in defense of the chair, but I think we ought to be well aware for the fact that nobody has the floor until the chair recognizes them and I don't care what they are saying. If the chair doesn't recognize a person, then the person doesn't have the floor.

MS. HARRIS: Thank you, Delegate Moore. Delegate Brian Moore.

MR. BRIAN MOORE: Yes, two points: First of all, a point of order does not have to be recognized by the chair. Number two, the reason five people were on the floor at the same time is because they felt disrespect for the rules by the chair. So it wasn't a matter of the people feeling disrespectful towards you, but they felt that the rules were not being adequately adhered to, and that's why they raised the point of order.

MS. HARRIS: Thank you, Delegate Brian Moore.

Delegate Chestie Graham.

MS. GRAHAM: Yes. Madame Chair, I know it is difficult sitting there and my heart goes out to you. I think you have done an excellent job tonight. But I would like for the sake of the convention that we recognize the point of order that was brought by some of the members on the floor. I don't know how to say do it.

MS. HARRIS: Talmadge Moore.

MR. TALMADGE MOORE: Madame Chair, I think you could operate in a better atmosphere if you would comply with the rules and regulations as set down previously and I would appreciate it and recommend to the chair that we follow those instructions to the letter. And I think that would avoid a lot of confusion on the floor.

MS. HARRIS: Thank you, Delegate Talmadge Moore. I thought they were being followed. Delegate Mildred Lockridge.

MS. LOCKRIDGE: I understand what Delegate Talmadge Moore is saying, but I think respect should be reciprocal. Now I can understand folks wanting a point of order, but I think there is a manner in which you do it. I don't think it's necessary for us to scream to be recognized. And I think also, Madame Chair, that I must agree with Delegate Moore that we must follow the rules since we all agreed on those rules. But

since you expect the chair to adhere to the rules, I would expect you to respect the chair. And it was not necessary to have all of this confusion that we have tonight because someone wanted to be insistent on being recognized. There is a way to be recognized, and I'm sure all of us know what way that is.

MS. HARRIS: Thank you, Delegate Lockridge.

Delegate Cooper.

MR. COOPER: Yes. I would like to speak against the amendment that's on the floor because I don't think it really adds any teeth to the session. By inserting the word "minimum" between "same" and "standard", I think we are basically left with the same language that we started out with and it doesn't do anything to improve what we all tried to speak against. Fortunately, I voted in favor of that particular amendment, that substitute by Delegate Schrag that did fail, because I was in favor of it. That's why I would urge that you vote against this amendment so that we cannot adopt Section 2I.

MS. HARRIS: Delegate Hilda Mason.

MS. HILDA MASON: Madame Chair, I rise for a point of personal privilege. I tried to speak before the last speaker because I wanted to speak on the issue that people were

discussing when I came back into the room.

I appreciate your efforts in trying to keep this convention moving along -- I really do. And I appreciate the report which has come from the committee. I appreciate the work that everybody has done here. I think that delegates would feel much better if when they press to be heard, if they could be heard. Back in Section F, when I tried to speak, I was not called upon before the vote, and that happens to a lot of other delegates and it has happened to me before, and I'm not blaming anybody. I'm just putting this on the record.

Madame Chair, when the delegates asked for a point of order and wanted a roll call, they thought that they were following the rules which says that four people had to indicate that they would like to have a roll call and, when they could not be heard, some people did raise their voices. And when the chair persisted in moving the agenda and not providing for the roll call, people did get upset. I think we have to look at both sides of it. We are all delegates, all elected to this convention, all with equal rights to participate fully, as fully as we can.

I would entreat the chair and this body to entertain the roll call which was requested before the chaos took place. I am requesting a roll call, Madame Chair.

MS. HARRIS: Delegate Hilda Mason, I would like to respond to that very briefly and move on. On 2I we had entertained 18 people to speak. Many of those people spoke several times on each one of the substitutes. I think out of 24 people that is a lot of discussion and I don't think anybody would slight it. We could not have 24 people speaking on one amendment if we were to go anywhere. That's number one.

Number two is that when the roll call was called by Delegate Schrag, only one other person called for a roll call. After we went on to the very next point, then your hand went up. We had passed with the roll call. Four people were supposed to call for it at that time. They in fact did not.

Delegate Croft.

MR. CROFT: I have a point of personal privilege. This convention on the advice of our president in terms of our budget, we agreed that we would limit the number of roll call votes.

Let me make another point: Since we agreed to that point, since we made that agreement, there have been two roll call votes and each of those roll call votes, we asked before the vote was taken and we implored this body to let us have a roll call vote on those issues. There have only been

two roll call votes since that time and they would not ask after the vote was announced. We asked before the vote was taken.

The point I'm trying to make is Delegate Schrag called for a roll call vote after it had been announced that the vote was tied.

MS. HARRIS: Thank you, Delegate Croft.

There is in fact an amendment by Delegate Kameny on the floor, which has been called for and which is in the process of being discussed. Delegate Cooper has spoken against it.

MS. HARRIS: Delegate Feely, you have the floor.

MS. FEELY: Madame Chair, fellow delegates, I rise in support of the amendment introducing the word "minimum" on line 9, Section I. One of the reasons that I support the amendment is for harmony.

One of the reasons I support the insertion of the word "minimum" is for harmony. It is my intent to get delegates to understand that I am not inflexible and I do understand your point. I would hope then that we could go ahead and vote on the addition of the word "minimum". Thank you.

MS. HARRIS: Thank you. Delegate Johnson.

MS. JOHNSON: I would like to know what is the outcome

of the request for the roll call that was called for earlier, voted by Delegate Mason and by Delegate Schrag and others earlier.

MS. HARRIS: I thought that the manner in which it was done and only two people --

MS. JOHNSON: I just heard you say you didn't hear people support the roll call vote. Who did support his request for a roll call vote?

MS. HARRIS: I hate to keep going back to that because --

MS. JOHNSON: Well, I haven't heard any resolution to it. I mean, it seems as though you're ignoring the question and the question --

MS. HARRIS: No, I did not ignore the question. I thought I ruled on the question.

MS. JOHNSON: Well, you moved on.

MS. HARRIS: I thought I ruled on it. I thought Delegate Croft spoke to it and somebody else spoke to it and we moved on.

MS. JOHNSON: Well, I haven't heard any resolution to it.

MS. HARRIS: I thought you were speaking to the Kameny amendment.

MS. JOHNSON: I'm speaking to the request that we moved on from and we haven't resolved yet. There was a request.

MS. HARRIS: Everything you said we just finished discussing and I understand and I'm sorry --

MS. JOHNSON: You're saying that we finished discussing it, but in fact we haven't had a roll call vote.

MS. HARRIS: We did have a roll call vote and at that time only one person supported it and that is a fact; only one person supported it and it was called for. Once we moved on, several people called for it. We have an amendment on the floor. Delegate Vickie Street is next.

(Simultaneous discussion.)

MS. HARRIS: Delegate Vickie Street.

MS. JOHNSON: I'm sorry. We have not heard --

MS. HARRIS: I'm sorry. You're out of order. You're out of order. Delegate Kameny has an amendment on the floor.

MS. JOHNSON: I move to overrule your decision on that.

(Whereupon, the motion was seconded.)

MS. HARRIS: Okay. It has been moved to appeal the chair.

(Simultaneous discussion.)

MS. HARRIS: We have moved twenty minutes past that

into an amendment on the floor and I think that's out of order. I think that is out of order.

Delegate Nihikian.

MS. NIHIKIAN: Madame Chair, there has been, I believe, an incorrect use of our rules. Our rules do not limit the time at which you can raise the problems with how the rules were utilized. I think that the point that Delegate Jordan was trying to say is that by moving to recognize the point of order and the request for a roll call vote, Madame Chair, we will save ourselves a problem that will come up later in challenging actions of the body, because of the fact that there is not a time limit at which point you can request the ruling of the chair.

Therefore, my point of order is to say that I believe that Delegate Johnson's motion is in order and, if we don't deal with it tonight, we are going to have to deal with it tomorrow.

MS. HARRIS: Well, I don't understand what she is appealing. Delegate Kameny's motion is on the floor.

MS. NIHIKIAN: Madama Chair, if I could explain my point of order one more time. My point of order is that you can raise a ruling of the chair with no time limit. Therefore, Delegate Johnson --

MS. HARRIS: There is nothing on the floor but Delegate Kameny's amendment.

MS. NIHIKIAN: She specifically said that she was appealing the ruling of the chair regarding the request for a recognition of the point of order and a roll call vote. Delegate Mason raised the same issue; Delegate Jordan did. I implore you, Madame Chair, not to put us down the drain. Let's deal with the problem now, dispense with it so we can move on.

MS. HARRIS: Delegate Robinson.

MR. ROBINSON: Madame Chair, I stand to put forward a suggestion that I believe will eliminate the discussions and will allow this body to move forward in a judicious manner. My suggestion is this: One, that this body adjourn for ten minutes and during that ten minutes' period the problem that is being discussed now be referred to the Rules Committee and we will come back with a decision and render that decision and this body can move on in an expeditious manner.

(Whereupon, the motion was seconded.)

MR. ROBINSON: I'm sorry. I meant recess as opposed to adjourn.

MS. HARRIS: It has been moved and seconded that we recess for ten minutes and the Rules Committee deal with the problem on the floor. Discussion.

Delegate Jerry Moore.

MR. JERRY MOORE: Madame Chair, I thought you had recognized me. I appreciate what the delegate is attempting to do in his motion, but the motion has no substance. Delegate Kameny has adequately indicated what the problem with the motion is, you see. The motion should contain the issue as conceived in the mind of the mover and it does not do that. So I don't know what would be proposed to the Rules Committee under that motion, if anything. It is not specific to that point. That is the first issue that we have before us now. And I would be unprepared to vote on a motion that does not contain the specifics.

MS. HARRIS: Delegate Robinson.

MR. ROBINSON: Madame Chair, I will withdraw the motion.

MS. HARRIS: Delegate Croft.

MR. CROFT: Madame Chair, we're making a mountain out of a molehill. If the delegates who are in the opposition keep standing up and saying the issue has not been dealt with or resolved, the chair has resolved the issue. If the members of the opposition do not agree with the way the issue has been resolved, they can ask to have the chair's ruling appealed. Now they have not done that at all.

(Simultaneous discussion.)

MS. HARRIS: Delegate Johnson asked to appeal the chair and it was seconded. Delegate Jackson.

MR. JACKSON: Madame Chair, point of order. It was asked by the chair long before Mrs. Johnson or someone -- it is not true that you could bring up a question of appeal any time you want, which means tomorrow if you want to bring up a point of appeal on these things -- I don't know where they get these rules from, Madame Chair. I don't know where they get them from.

And any time someone with a different point of view does that, let them point out what the rule is. If they don't point it out, it has no basis here. And Madame Chair, I'm not going to stand here and let anyone who loses a point to try to muster up time -- put it on its merit, vote it up or down and let's move forward. And the same people who do this are the same people who say we want a convention, let's not waste time. And who's wasting it?

MS. HARRIS: Thank you, Delegate Jackson.

I made a statement earlier that the appeal came -- it comes at a time when we are discussing Delegate Kameny's amendment including "minimum" in the Schrag motion.

At this point, we need to go -- yes.

MS. GRAHAM: I'm trying to find out if it is at some time after this or during this time that we can reconsider what has taken place. Is that possible?

MS. HARRIS: Reconsider what? What are you saying we should reconsider?

MS. GRAHAM: I was thinking about several people said point of order and they wanted to get their discussions in. This is what I was talking about. I think it would help us to move forward more rapidly if somehow we could reach some kind of media, and I think that should be resolved.

MS. HARRIS: Let me have the body to vote on whether they want a roll call.

(Simultaneous discussion.)

VOICES: Ruling on the chair.

MS. HARRIS: Okay. Ruling on the chair. All in favor -- I don't think I need to state again why I made the decision that I did in terms of -- all of those in favor of sustaining the chair, please raise your hand.

(Show of hands.)

MR. COOPER: Fifteen.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Nine.

MS. HARRIS: Abstention.

(Show of hands.)

MR. COOPER: Two.

MS. HARRIS: The chair is sustained.

Shall we move with the orders of the day which was called for by Delegate Jackson -- Delegate Kameny's amendment to put "minimum" on line 9 after "same" in front of "standards". We've had two speakers -- and Vickie Street, do you want to speak on that amendment?

MS. STREET: I am opposed to inserting the word "minimum" before the word "standards" for these reasons: First of all the State Board of Education, which is charged to setting standards will have their hands tied to minimum standards only. In setting standards you can have minimum standards and you have grade level standards and you can have enrichment standards. And when we respect ourselves to looking at fully "minimum standards", it would certainly be narrow in terms of providing educational opportunity for young people.

The second reason is so much has been done by school systems in America in setting up minimum standards that they have had to take a second look at that and gone back and set other kinds of standards which are better than minimum. For these reasons I think it would be psychologically incorrect or

psychologically weak to put in the word "minimum" and not any other kinds of attitudes that would suggest higher standards for our school programs.

MS. HARRIS: Delegate Jerry Moore.

MR. JERRY MOORE: Madame Chair, the substitute given by Mr. Schrag failed; I was in favor of it. But by the same token, I am not in favor of inserting the word "minimum" here. My reasons are these: It just says to meet the same standards. Whoever sets those standards is making a judgment and that judgment can be high, it can be medium, it can be low. It would be my belief that if these persons are appointed to a Board of Education -- I think I'm right in saying this -- those persons would set those standards in relationship to the needs of the community and the times in which we live.

The word "standards" does not imply anything but a standard, and that is all it implies. Somebody has to set those standards. I think in my mind -- I could be wrong about this -- but I feel that maybe somebody was feeling that the hay would be so high some people can't reach it. But that is not implied by the use of the word "standards". I have already illustrated how the word may work and I believe that if I had my druthers -- since I didn't, I wasn't on the prevailing side with regards to that substitute, I would accept this whole

thing as it is without the word "minimum".

MS. HARRIS: You are opposed?

MR. JERRY MOORE: I am opposed to the word "minimum".

MS. HARRIS: Delegate Kameny.

MR. KAMENY: May I speak to my motion briefly, Madame Chair?

MS. NIHIKIAN: Point of order. Madame Chair, there isn't a quorum on the floor. If we are going to conduct business, we need the 23 or somebody is going to question us.

(Whereupon, a few minutes were taken to get the quorum.)

MS. HARRIS: We have enough. Okay, Delegate Kameny.

MR. KAMENY: Thank you, Madame Chair. With all due respect to my good friend, Delegate Jerry Moore, I think that he misunderstands the intent of this section, both as it stands and as I am proposing to amend it.

The critical essence of the section is not the imposition of standards. They are left discretionary. It says "as may be imposed". The critical essence of this section is that whatever those standards may be at the minimum level, they are imposed the same on private schools and public schools. This does not require any position of any minimum standards. Read the language.

If some are, if students have to learn two arithmetical formulae, then students in the public and private schools will have to learn those, but if they want to make it one or none or 20 for mathematical formulae as long as they are imposed euqally on both, that is all -- if that is the minimum standard.

Now our schools do set standards now. Of course, they are judgmental but they are set for achievement, for all the rest of the whole process and progress through the public school system. Of course, there are minimum standards of achievement. If you get an A, you move on -- or however it is graded -- if you get an F, you don't move on. That is a minimum standard of achievement.

All this says is at the minimum level, not any elaboration above that and that's the point of putting it in there and that's the real thrust of Delegate Schrag's motion which you supported is that the minimum level -- the private schools shall not be permitted to turn out hoards of ignoramuses and that is all that it says and this does it.

MS. HARRIS: Thank you, Delegate Kameny.

One more person -- Delegate Brian Moore.

MR. BRIAN MOORE: What are the standards now in the District of Columbia with regard to private schools? Does anybody on the committee know?

MS. LOCKRIDGE: There are none.

MR. BRIAN MOORE: I would like to speak in favor of the amendment to put in the word "minimum". I'm a product of Catholic schools and I'm aware that in the District of Columbia there are many, many private schools here that are attended by families of D.C. residents. And it would seem to me that if we are going to subject these schools to what this constitution will purport to, will require without the use of the word "minimum", it will put an undue strain on some very qualified institutions. And I think we will have a significant backlash from the people who attend those schools -- from the people whose children attend these schools. And I think it might jeopardize the constitution, because there are so many families in the District of Columbia that do participate in these institutions.

So I would urge my fellow delegates to vote in favor of the amendment, to insert the word "minimum" so that it will be consistent with what exists now.

MS. HARRIS: Thank you. The question has been called and properly seconded. All in favor of cutting off debate please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: So moved. We have now 2I as amended before us, Kameny's amendment which is to insert the word "minimum" on line 9 after "same". All in favor, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: Let's count your hands. All in favor of the Kameny amendment, please raise your hands.

(Show of hands.)

MR. COOPER: Sixteen.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Seven.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Four.

MS. HARRIS: The motion carries. We're back to the original -- yes.

MR. LOVE: Fellow delegates, I would like to offer the following amendments: At the end of the Section I, I would like to add the words "and the State Board may establish

equivalent alternatives to the above standards". I would like to point out at this point that it will read identical to what's there except there will be a word "may" instead of "shall". I would vote this in the spirit of compromise and then we would move on. It is not the intention of this committee to split the delegates.

MS. HARRIS: Would you read that again? We didn't get your motion, Delegate Love.

MR. LOVE: I would like to add at the end of Section I the words "and the State Board may establish equivalent alternatives to the above standards".

MS. FREEMAN: Madame Chair, I thought the amendment was on the floor already, but I just second this one, but I made that amendment earlier.

MS. HARRIS: When you made your amendment, I think Delegate Kameny's was on the floor.

(Whereupon, the motion was seconded.)

MS. HARRIS: Delegate Kameny.

MR. KAMENY: I rise in the strongest possible objection and opposition to this amendment and let me tell you why and let me tell you what it opens you up for.

When you start raising equivalence, we will want to have certain standards, however they may be allocated -- a level

of education, such things as science, geography, history, whatever.

There are people -- we listen to them on the radio, we listen to them on television -- who will tell you that genesis is the ultimate authority for history, geography, science, absolutely everything else. That will be their alternate equivalent. They will tell you that creationism is the equivalent alternative to evolution and they will exercise their political power on the State Board to allow those as equivalent alternatives and your educational system will be doomed by the worst kind of politics. You saw just the beginning of it in the District here last October. You will completely eliminate any kind of meaningful standard. This proposed amendment is ill-advised. The minimum was offered in the spirit of compromise and was substantive. This will gut the entire intent of this section in a way which will destroy ultimately our educational system some years hence after it goes into effect. I urge you to vote it down.

MS. HARRIS: Delegate Barnes.

MR. BARNES: It appeared that the convention reached a compromise on the Kameny amendment. I urge the convention not to talk this thing to death and I want to be recognized to call the previous question.

MS. HARRIS: Delegate Jones.

MS. JONES: Is this I still on the floor?

MS. HARRIS: Yes, it's still I.

MS. JONES: I have a question after I heard Delegate Kameny speak and one of the questions that I have, which I think is personal with me and something that I intend to have: Can the state set the standards for religious instruction in the school if my child attends? If the state is going to be all powerful, can the state set the standards for the religious instruction that my child receives in her school?

You can set minimum standards for the religious instructions in my child's school? The other thing is -- I'm really having a problem with I because it makes the state seem as though that you can step in and tell him -- you know, that you can impose, say, a Baptist standard on me, a Moslem standard on me, a Catholic standard on me or what have you.

I'm merely getting all confused here because you still say what the state can do to me when it comes to the education of my child and that's the reason why I took my other choices.

Now I think that I'm an open-minded and fair person and I think that there is no such thing as first among equals when it comes to certain kinds of things. I think that people

are people. I don't care who they are and what walk of life they come from. But something bothers me about I and what is bothering me is the state coming in and regulating me in a manner that I am opposed to. And at this point, I'm opposed to I unless somebody can say to me that this is not the case.

The problem that I am having is that I think it's my right to decide the standard of religious education my child gets. It's also my right to say the standard of education my child will get. And I have been met with parents who would come to school and say, "No, you didn't teach my child according to my standard and you cannot teach my child anymore."

Now I have some problems with -- there are some of us who know what teachers are supposed to do; there are some of us who take the time to read the curriculum like Theresa Jones, and there are some of us who say that you didn't do what you were supposed to do, so you can't teach my child, because a lot of principals are scared to say that to teachers.

My great problem with I is that the state can move in and tell me -- and that's what I is telling me -- the state can move in and tell me that they have the right to decide that standard according to the notions in their head.

Last but not least, Kameny talked about the political

pressures on the State Board. But I would say to him this is what we want in these schools. And I could see Reverend Fallwell (Phonetic) coming up telling somebody on the State Board of Education this is what I want and this is what I'm going to have and they would be scared enough of him to do it.

Now I need those questions answered and for the safety of my child I need those questions answered and I need to know if that is what you are saying. Now if it is not the intent of the committee, then the committee needs to change I. And if it is the intent of the committee, I have to vote against it.

MS. HARRIS: Before I recognize Delegate Jackson, would the committee like to respond to that question?

MR. KAMENY: Yes. First, Delegate Jones, I will take your last point. Putting in the phrase "equivalent alternatives" leaves the School Board open to the Jerry Fallwells marching in. That is why I opposed this because we put it in the constitution where it is secure from political pressures on the School Board. No one is trying at all to dictate a religious education or any other matter in the schools. What we are trying to say is if the schools say, for example, that all students should have a certain knowledge of ancient history,

then that should be a knowledge of ancient history as ancient history and not what Jerry Fallwell schools would want them to learn as the history that comes out of Genesis which may or may not be what is generally accepted as ancient history or science. It is to avoid that and have people get an equal basic curriculum and that only.

Now beyond that, if you want to send them to a school which educates them as intently as you like, in any religion that you like, fine. This does not touch that; it does not touch your rights or your children's rights. It only says -- to repeat myself fundamentally -- they do need to be taught that two plus two equals four and not five, that the earth is round and not flat, and a few basic things of that kind and that only. Beyond that, the school may go where it and you and your children choose.

MS. HARRIS: Okay. Delegate Jackson now please.

MR. JACKSON: It seems to me that the language proposed by Delegate Kameny was in fact the least restrictive. If we go more, in fact, we may come right back in that circle. It simply says -- I don't understand the problem. The kids in the schools should have certain basics and we all know what basics are. And we all know that we are not going to deal with religion in religious schools. We know that, because that

is not even basic in the public schools. So why would we be sticking our nose in something in the religious schools that we don't touch in the public schools?

Madame Chair, what Mr. Love's amendment does is that we have now passed a federal -- I'm just giving an example. We have passed a state anti-corporate tax measure that prevents loopholes and then we come back and say but Exxon may have $100 million loophole. So if we are going to pass something, we should have it strict. The language that was put forward by Mr. Kameny is the least restrictive of the schools but only sets minimum basic requirements. It is that simple.

MS. HARRIS: Okay. Then you oppose the Love amendment?

MR. JACKSON: Yes, ma'am.

MS. HARRIS: Delegate Hilda Mason.

MS. HILDA MASON: I pass.

MS. HARRIS: Delegate Freeman.

MS. FREEMAN: I want to speak in favor of the amendment for all the reasons that people have said. I want to say for the record that my only objection to the earlier proposal was that it made mandatory equivalent alternatives. This language makes it discretionary for the Board to establish equivalent alternatives as I understand the private schools.

MS. HARRIS: Thank you. Delegate Kameny has spoken several times. Can I entertain a call for the question?

MR. ROBINSON: I move the previous question.

MS. HARRIS: The previous question has been moved. All in favor of closing off debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: It carries. The Love amendment is at the end of I you insert "and the State Board may establish equivalent alternatives to the above standards". That's the Love amendment.

All in favor of the Love amendment, please raise your hands.

(Show of hands.)

MS. HARRIS: All opposed.

(Show of hands.)

MS. HARRIS: Abstentions.

(No response.)

MS. HARRIS: The Love amendment passes and now we are back to 2I,as amended,by Delegate Kameny on line 9 with saying "minimum" and as we just passed with Delegate Love "and

the State Board may establish equivalent alternatives above standards". Delegate Lockridge, will you move 2I please?

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2I, as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: 2I has been moved as amended. All in favor of 2I, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: It carries.

Delegate Lockridge, 2J.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2J.

(Whereupon, the motion was seconded.)

MS. HARRIS: 2J has been moved and seconded. We have an amendment, Delegate Jerry Moore.

MR. JERRY MOORE: Madame Chair, on line 19 I wish to make an amendment after the word "as" insert "as an Administrator or teacher". I so move.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded that on line 19 we add after "as" -- "an administrator or" and

it would "as an administrator or teacher".

MR. JERRY MOORE: I left the article out "or as a teacher".

MS. HARRIS: "Or as a teacher", okay.

Delegate Robinson.

MR. ROBINSON: Thank you. Madame Chair, I stand to move that Section J be struck from this article and I reserve the right to speak last on the measure -- on the section.

MS. HARRIS: Was there a second to the motion?

(Whereupon, the motion was seconded.)

MS. HARRIS: Delegate Robinson's amendment -- his substitute motion, I guess, was seconded and that is to strike Section J.

Delegate Charles Mason.

MR. CHARLES MASON: Point of order. What is the relationship between this amendment and the Moore amendment? It seems to me we should deal first with the Moore amendment and then this one would be in order, unless it is in some way a substitute or something which it doesn't seem to be. This doesn't seem to be an amendment germane to the Moore amendment.

MR. ROBINSON: It's a substitute motion to strike

Section J.

MS. HARRIS: Delegate Charles Mason.

MR. CHARLES MASON: I simply raised a point of order that I couldn't see the relationship between the two amendments. I felt we should deal first with the Moore amendment and then this one.

MS. HARRIS: Delegate Jordan.

MR. JORDAN: Madame President, I would like to raise a couple of questions with the committee because I'm unclear as to how this section will be enforced. It says here on page 10 of the very well and thought out and prepared report on the overview of the article -- it says that it is the intent of this section to ensure that all private schools, both in this physical plant and in their administration and personnel policies, shall conform to all state laws and regulations applicable to other premises in the state and to other private businesses.

Now then it goes on to suggest, Madame President, that it is intended to include compliance with building codes and fire codes, minimum wage codes and anti-discrimination laws.

Now as I understand it, Madame President, and I would like to ask this question of the committee through you: How does the committee see that the State Board of Education will

in fact enforce this or does this create a conflict? For as we know, it will put the school system in a regulatory position, that is to say, that it would take precedence over the Fire Department or it would precedence over the Bureau of License and Inspection who issues certificate of occupancies for buildings that are going to be used for anything other than single family dwellings. It would preempt License and Inspection in terms of air-conditioning and sanitation and cleanliness. It would preempt the Minimum Wage and Industrial Safety Board -- I mean Minimum Wage Board from operating because it would give to the Board of Education the authority to enforce the laws in those areas where the school -- private schools were involved. And finally, it would give the School System the authority to enforce any discrimination provisions.

Now what I am suggesting is I thought we had an office in Human Rights to do that. I thought we had a Minimum Wage Board to establish minimum wage standards and I thought we had a Bureau of License to determine who got licenses for these various facilities. So the point I'm trying to make: Why is this language necessary in an article that deals with the State Board of Education?

And the other question is: How will the Board of Education and anybody else enforce this if it's not complied

with?

MR. KAMENY: May I respond to the question?

Delegate Jordan does not read very carefully.

MS. HARRIS: Point of order, Reverend Moore.

MR. JERRY MOORE: Madame Chair, the discussion is not relevant to the motion that you have allowed on the floor. There was a motion by Delegate Robinson to strike. Now the conversation is not relevant to that motion at all.

MS. HARRIS: Thank you, Delegate Moore.

We would like to entertain discussion on the motion to strike Article J.

MR. KAMENY: Very well, may I respond to that?

MS. HARRIS: Delegate Barnes.

MR. BARNES: It sounds as though it's covering the issue we passed to the Economic Development Committee. And I would vote in favor of Delegate Robinson's amendment for that reason.

MS. HARRIS: Okay. Is there anyone who would like to speak against?

MS. JONES: I'm speaking in favor to strike because the language to me seems to be in Section 3, the rights of individuals, under Economic Development under environment.

My problem is that if persons employed by a school,

be it private, public or whatever have you, then his right as a worker is his right as a worker.

MS. HARRIS: Just move along please. Let's move along please.

MS. JONES: Let me finish. The other thing is the only thing that I see in here that's different is talking about the test. And I don't think that that's necessary becaus most people who have been deemed religious ministers or leader or what have you are those people who had to be teachers of religion and those are the people who teach you because you choose to go to that service on Sunday or you choose to go to that Sunday School or whatever. So I don't think that any of this is necessary and I urge the people to vote to strike it out.

MS. HARRIS: Point of information, Delegate Jordan.

MR. JORDAN: Madame Chair, I think questions to the committee would be appropriate, as I noticed in our rules on the first reading of proposed articles.

(Simultaneous discussion.)

MS. HARRIS: We went for questioning, if that's what you are asking.

Is there anyone who would like to speak against the motion?

MR. KAMENY: Yes. I think that the intent of this section has been badly misunderstood and I hope that Theresa Jones will listen with some care and Delegate Jordan will listen with some care and Delegate Robinson will listen.

First, nowhere in this section are we told that the State Board of Education shall take over any of these control functions. Delegate Jordan, this is a section on elementary and secondary school education. It is not a section on the State Board of Education. All the control and enforcement will remain exactly where it is. What this does is to address once again something which is occurring from one end of this country to the other. Schools are set up; they invoke the word "religious" and claim with a certain arrogance that because of separation of church and state they are exempt from any and all state regulation whatsoever. They actually claim exemptions to all of these things and they are testing them in the courts and in many instances in some states the courts are finding themselves powerless because they don't have the state constitutional provisions to say that the state law is in question -- the safety laws, the health laws, the employment laws, all the rest, in fact can be applied to religious schools as well as to others.

That is what is happening in this country from --

throughout and this is an attempt to anticipate the same thing here where a school will be set up and you will be told that separation of church and state says you may not come in and examine our premises; you may not come in and impose the fire codes; you may not come in and restrict our employees to impose minimum wages on our employees and on and on and on.

The danger is real; the abuse is real; it is going on all over the country and it is applying to schools and this attempts to address it in a constructive fashion.

MS. HARRIS: Thank you. May I entertain a motion to call the question.

MR. ROBINSON: Madame Chair, I reserved the right to speak last. I was the mover and I did not speak initially.

MS. HARRIS: Yes. Are you speaking for or against?

MR. COATES: I'm speaking for. I'm sorry that Dr. Kameny is so upset by Jerry Fallwell. I'm sorry about that, Doctor, but you just can't mouth untruths. My church is subject to obtaining District of Columbia law with respect to fire regulations, health regulations, et cetera. You cannot mouth loudly untruths hoping to garner votes against this motion, sir. Let's be temperate.

Thank you.

MS. HARRIS: Delegate Robinson.

MR. ROBINSON: I stand to speak against, being the mover of the motion. I should like to say that initially I saw the light, the light that said 70 percent of what is here written should be deleted. And I am very happy that my fellow delegates are beginning to see the light.

This article, Section J, has completely deviated from what this committee should be about. It tells the religious schools how to apply a given test for a teacher in terms of employment. I should like to see the doctrine of separation of church and state remain intact. This particular article also guarantees language and the Economic Development article has already guaranteed to all employees. This particular article puts the Board of Education in the area of regulatory practices where it has absolutely no business. And I ask you again to stand up as writers of a constitution only outlining the broad structures of government and vote this entire article out of this -- this entire section out of this article.

MS. HARRIS: I would entertain a motion to call the question.

(Simultaneous discussion.)

MS. HARRIS: The question has been called. Yes.

MS. LOCKRIDGE: My illustrious Delegate Robinson,

several of us on this committee have taken time out to look at Economic Development and I would like to share with you that we did not have the pleasure when we were writing our article of interfacing with Economic Development. But we had used our skills that we attained through public education to read the section that you refer to. And four of us sitting up here have agreed that you are right. It is taken care of in Economic Development -- let me finish -- except for I think one sentence that is in Section 2J.

So I might have to ask, Madame Chair, if we might caucus for just a moment to see if we can have consensus of the entire committee to strike that section?

If I am out of order, let me know and I will ask for time to do that.

MS. HARRIS: Point of order.

MR. ROBINSON: Point of order, Madame Chair. The question has been called. The motion to strike is already on the floor and I move the order --

MS. HARRIS: The question has been called and --

(Simultaneous discussion.)

MS. HARRIS: Delegate Jerry Moore.

MR. JERRY MOORE: Madame Chair, I move a five-minute recess to give the committee a chance -- are they going to do

it here? Thank you, Madame Chair.

MS. HARRIS: The elevator leaves in about 20 minutes. So I think we better move right through.

You have made a decision in your committee?

MS. LOCKRIDGE: Go right on.

MS. HARRIS: Go right on? Okay. The question has been called to delete Section J. The committee wants to go through with the vote. All in favor of deleting Section J, 2J, please raise your hands.

(Show of hands.)

MR. COOPER: Seventeen.

MS. HARRIS: Opposed.

(Show of hands.)

MR. COOPER: Eight.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Two.

MS. HARRIS: The motion is carried and Section J is deleted.

MS. LOCKRIDGE: Madame Chair, I would like to introduce a new Section K, if it is in order?

MS. HARRIS: Yes.

MS. LOCKRIDGE: I would like for the new Section K

to read -- and help me if I am not getting this right -- I want it to read: "A denominational or religious school may apply a religious test for employment as an administrator, a teacher but not for other positions."

MS. HARRIS: Delegate Lockridge, what you have read is the exact language of Section J which we have deleted with an amendment. I think that's a form of reconsideration.

MS. LOCKRIDGE: Okay. I won't fight it.

MS. HARRIS: Delegate Coates.

MR. COATES: Yes, it was done on a reconsideration because the question stands in a different posture and that is the only matter before us under the motion of Chairperson Lockridge is the provision that a denominational or religious school may apply a religious test for employment for an administrator or a teacher.

MS. HARRIS: It would be in order if you changed the wording somewhat with the amendment -- "school or religious or denominational nature may apply", something of that nature.

Delegate Jerry Moore.

MR. JERRY MOORE: I want to alter the form on the statement made by Delegate Lockridge. "A denominational or religious school within the state may apply a religious test for employment as an administrator or a teacher but not for

other positions."

(Whereupon, the motion was seconded.)

MS. HARRIS: Okay. It has been moved and properly seconded that the Section K, as just read by Delegate Jerry Moore, will read: "A denominational or a religious school within the state may apply a religious test for employment as an administrator or as a teacher but not for other positions."

Delegate Jones and then Delegate Kameny.

MS. JONES: I'm opposed to this for several different reasons. The secretary of the school must take a test, so somebody can ask the secretary to type. If the school has a lunch program and they need a nutritionist, most definitely the nutritionist must be certified by her professional organization which takes a test.

It says but not for other positions. There are other people within the school that you want to hire; they must be tested and certified by somebody that they actually have those skills that you need. Now so when we say "but not for other positions", you know, I don't think that the custodian needs to take a test to see how he mops the floor. I am saying that you just can't say "not for other positions".

MS. HARRIS: Delegate Feely would like to respond to that.

Let Delegate Feely respond please.

MS. JONES: No, I haven't finished. I say all of this to say -- and I don't believe it to be necessary for people to take a religious test in order to get a position as an administrator or a teacher in a denominational or a religious school, because that's not always what those schools are looking for; I know.

Now there are teachers who come to our schools who are certified teachers, who have the credentials as teachers. They aren't necessarily Catholics but they can teach and they teach at the standards that we want. We don't need to give those people a religious test. And I maintain that one of the teachers who teaches religion -- well, used to; she is a nun now -- she doesn't need a religious test. She went through that test when she got all those things to get her habit. All right, agreed or disagreed, that's what she did.

I have some problems with this. And most of the people who teach religion in parochial schools are people who, you know, have gone through all the things to do this in order to know that they not only teach religion but they also teach other subjects too. And we have problems with that. Nobody says that somebody has to give you a religious test when you teach at a nursery school that's run by a denomination, and some

of those people are excellent; most of those people are excellent. And I happen to know that too because they looked after my child and I'm an obnoxious character, remember that. I meddle into everything. So I disagree with this. I am totally opposed to this.

MS. HARRIS: Delegate Robinson.

MR. KAMENY: I was recognized first. You told me so.

MS. HARRIS: Delegate Kameny, we have only five minutes. You must be brief. I'm going to have to cut in on you. I don't want to do that.

MR. KAMENY: I speak in opposition to this proposal. It is language which was originally in Section J as an exception from something that we have otherwise eliminated. There is nothing to be excepted from; this now serves no purpose. It already exists in other law which would have been superseded to some extent by Section J, but Section J isn't there. We have argued about putting excess language into the constitution. This proposed Section K now certainly offers no useful purpose. I suggest we vote against it.

MS. HARRIS: Thank you. Delegate Robinson.

MR. ROBINSON: I saw the light; Delegate Kameny has seen the light. And it is my hope that all of you will see the

light and vote down this new section. The separation of church and state has been one of our most cherished principles and this section will do damage to it.

MS. HARRIS: At this time I need to entertain a motion to call the question.

MS. LOCKRIDGE: I would like to move the previous question please.

(Whereupon, the motion was seconded.)

MS. HARRIS: All in favor of cutting off debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: We have the Delegate Jerry Moore amendment before us -- substitute motion: "A denominational or religious school in the State may apply a religious test for employment as an administrator or as a teacher but not for other positions." All in favor of Delegate Moore's motion, please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: All in favor, please raise your hand.

All in favor of Delegate Moore's amendment, please raise your hand.

(Show of hands.)

MS. HARRIS: All opposed.

(Show of hands.)

MS. HARRIS: Abstentions.

(Show of hands.)

MS. HARRIS: It's a tie vote; it failed.

MR. LOVE: I move to adjourn, Madame Chair.

MS. HARRIS: Before you move to adjourn, I have a couple of announcements here.

VOICE: Madame Chair, I move the previous question on the entire section.

(Whereupon, the motion was seconded.)

VOICE: Section J, -- Section K.

MS. HARRIS: Section K lost -- for Section 2.

MS. LOCKRIDGE: Madame Chair, I would like to move the adoption of Section 2, as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: All in favor of adopting Section 2, as has been amended, please say aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: What is your point of information?

MR. ROBINSON: Madame Chair, it was my understanding that we first voted on Reverend Moore's substitute amendment to the new Section K. And then we were to next vote on the elimination of the entire section, that new section K.

MS. HARRIS: No.

MR. ROBINSON: Okay.

MS. HARRIS: I have an announcement: Tomorrow evening we will finish Section 3 and 4 of Education; we will move to Local Government, two sections and complete that.

I have an announcement to make. Our historian, Victoria Street, would like for all committee chairs to give her copies of your minutes, transcripts, public hearings all by Friday, May 15th, by 5:30. She must have it.

Delegate Nihikian, whose committee will be up tomorrow evening, says that she would like for you to be here -- Education will start, finish up, starting at four o'clock.

MR. LOVE: Move to adjourn.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved to adjourn.

(Whereupon, at 10:45 p.m., the meeting was adjourned.)

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